

**Big Cypress National Preserve
ORV Advisory Committee Meeting
October 20, 2015**

Minutes

The Big Cypress National Preserve (BICY) ORV Advisory Committee held their regularly scheduled meeting on October 20, 2015, at the Big Cypress Swamp Welcome Center, Ochopee, Florida. The meeting was called to order at 3:30 p.m. by J. D. Lee, BICY Deputy Superintendent.

Committee Members Present: Franklin Adams, David Denham, John Adornato, Barbara Jean Powell, Brad Cornell, Dennis Wilson, Chuck Hampton, Wayne Jenkins, Karl Greer, Win Everham, Brendan Barry, Ed Carlson. **Not Present:** Mike Duever, Manley Fuller, Jorge Gutierrez. **BICY Staff Present:** Tammy Whittington, J. D. Lee, Bob DeGross, David Fireman, Ron Clark, Damon Doumlele, David Hamm, Steve Schulze, Renee Mackenzie, Nikita Carty, Joshua Kezar, Pam Geffre, Valerie Clark, Rob Leonard, Drew Hughes.

Approximately 20 members of the public were present.

The meeting was facilitated by Delia Clark.

J. D. Lee welcomed the attendees and Wayne Jenkins led the Pledge of Allegiance. Mr. Lee then introduced Tammy Whittington, the new BICY Superintendent. Ms. Clark noted that since the last meeting, Laurie Macdonald and Jenny Richards have left the committee. Ms. Clark then asked each member to give a brief introduction. She announced that the committee charter had recently been renewed and read portions of it. She explained to the attendees that there would be two general public comment periods and noted that since it had been so long since the committee last met, today's meeting would consist primarily of updates. She added that the meeting was being videotaped.

Approval of Minutes. The minutes of the April 22, 2014, meeting were approved as presented.

ORV Permits and Regulations. David Fireman, BICY Chief Ranger, gave an update on permits and permit sales. He related that after the cost of a permit went from \$50 to \$100 two years ago, sales in the last half of 2014 were 1,190. Projected sales for 2015 are similar. NPS is working on a Federal Register notice required in order to open approximately 130-140 miles of ORV trails in the Addition. The notice is expected to be published by summer 2016, and the public will be allowed to comment on the proposed regulations in late winter/early spring. In response to a question concerning secondary trails in the Addition, Bob DeGross said that the main focus is to implement the primary trail system. The Addition General Management Plan allows for consideration of secondary trails, but this would have to be a future action. He noted that the Backcountry Access Plan currently in preparation will consider a primary trail connection between the Addition and the other management units.

ORV Education Program. Mr. DeGross stated that the Education Subcommittee had been asked to review materials that the Preserve developed and planned to make available in the field for the public. The Preserve implemented the subcommittee's recommendations, and the materials are temporarily on display at the trail kiosks. Mr. DeGross displayed an example from Monroe Station and said that most of the kiosks have three or four panels, depending on whether there is a wildlife check station at the location. The panels will eventually be made permanent, hopefully by the end of the year. The subcommittee also reviewed the on-line ORV license test that the Preserve developed.

Vehicle Specifications. Mr. Fireman updated the committee on the NPS response to the committee's vehicle specification recommendations made last year. He stated that all swamp buggies will be required to have four-wheel-drive capability. Two-wheel-drive swamp buggies currently permitted will be grandfathered until the end of this year. If a permittee of a two-wheel-drive swamp buggy allows his permit to expire and wants a new permit, the Chief Ranger may issue it at his discretion if up to two years have elapsed. The Chief Ranger will also have the authority to make accommodations for disabled ORV users.

General Public Comment. Lyle McCandless (Big Cypress Sportsmen's Alliance) said that even though the committee was heavily involved in recommending trails in the original Preserve, that is not the case in the Addition, as the NPS has apparently designated trails there with no committee or public input. Mr. McCandless also felt the committee and the public would have no input in designation of secondary trails, especially in the Addition. On the issue of camping, he felt the committee needed to revisit the issue of allowing ORVs to pull off of a trail a certain distance to allow users to camp.

Shannon Larsen said that Bobby C. Billie had asked her to read a letter to the NPS Office of Tribal Relations. The letter stated that the United States Government is trying to restrict aboriginal indigenous peoples through laws and regulations. The aboriginal indigenous peoples follow natural law, which is way above the law of the United States. The manmade system of laws is what needs to be regulated, not the aboriginal indigenous peoples.

Bobby C. Billie said that when you come to his people's land, you need to learn how to respect them as human beings.

Bill Clark (Big Cypress Sportsmen's Alliance, Collier Sportsmen and Conservation Club) felt that the trail connection between Bear Island and the Addition needed to be made before the Federal Register notice is published. He also questioned how secondary trails are groundtruthed. He said that there is no access to the west or east sides of Bear Island and wants the process speeded up. He would like to see a few trails added rather than waiting for the whole process to be completed.

Philip Smith said that baiting in the Preserve needs to stop. He said that there is no access in Bear Island and that the committee has disregarded his trail suggestions.

Betty Osceola had been reading the River of Grass Greenway Feasibility Study and was concerned about language concerning a type of preferred user rather than traditional users. She

said that there is also a statement that traditional cultural properties will not preclude alternatives. Creating more access does not mean you have to destroy the environment.

Backcountry Access Plan and Wilderness Study. Mr. DeGross gave a presentation describing the status of the Backcountry Access Plan (BAP) and Wilderness Study. He gave a background beginning with the 1992 General Management Plan and discussed the purpose of the BAP, scoping, and alternatives development. He stated that a goal was to make the preliminary alternatives available for public comment for 60 days from sometime in December through February. Public workshops will be scheduled, probably in January. He said that scoping comments revealed a strong desire to complete a wilderness eligibility assessment (WEA) of the original Preserve prior to getting into the depths of the BAP. A WEA for the original Preserve was completed in 1979 that concluded that no lands were eligible for wilderness designation, primarily because of the potential for oil and gas development. NPS policy has changed, and now such lands can be considered for designation. The WEA was completed in June 2015. The next step is a wilderness study, which is a more detailed look at the Preserve than the WEA. When the BAP is released to the public in December, public scoping for the wilderness study will begin. Of the 581,000+ acres assessed, 188,000 acres are considered wilderness eligible. The final draft for public comment of the BAP/Wilderness Study is expected November-December 2016. A signed Record of Decision is anticipated August 2017.

Other Relevant Updates.

Addition Lands Litigation. Mr. DeGross explained that soon after the Record of Decision for the Addition General Management Plan was signed, it was litigated related to the balance of potential and proposed wilderness and ORV access. In 2014 there was a judgement upholding the plan. That judgement is being appealed, and the NPS is continuing to move forward with the goal of opening a trail system in the Addition in accordance with the plan.

Hunting Management Plan. Ron Clark, BICY Chief of Natural and Cultural Resource Management, said that BICY was collaborating with Florida Fish and Wildlife Conservation Commission and University of Georgia on probably the largest white-tailed deer study ever conducted in Florida. The study will try to answer questions such as, what are the impacts to the deer population as a result of water level changes, habitat changes, hunting, and predation. Over 100 deer have been collared, and plans are to collar more deer this year and expand the study area. Mr. Clark gave a comparison between this year's and last year's hunting statistics in the Addition. Last year hunting began with only ten days left in the archery season, and there were more people hunting in those ten days than in the entire archery season this year. There may be more people accessing the area during this year's muzzleloading season than the same time last year. One deer was harvested last year and none so far this year.

Plan of Operations for Oil and Gas Exploration. The original exploration area of 366 square miles has been pared down to 110 square miles. The proposal before the NPS is not to use traditional shot hole drilling but vehicles that vibrate the surface. The plan of operations was released last June for comment, and comments received were to inform the environmental analysis, which will be made available for public comment when completed.

General Public Comment. Lyle McCandless (Big Cypress Sportsmen's Alliance) said that the definition of a secondary trail as it now stands will be a huge problem when the new NEPA process is completed and secondary trails are subject to being reopened. A process needs to be put in place involving the committee and the public to redefine secondary trails. He and Franklin Adams were told by former superintendent John Donahue in the 90s that there would be 1500 miles of primary trails in the existing Preserve. The 400-mile limit is a result of negotiations between NPS and Florida Biodiversity Project.

Shannon Larsen said that there is a gross lack of transparency by the NPS. She said that nothing should be done without a general management plan that includes both the original Preserve and the Addition. She continued reading the letter from Bobby C. Billie that she had started earlier.

Bobby C. Billie said that the oil and gas exploratory vehicles should be on the road, not in the swamp. Oil and gas have been killing the air and water for over 150 years.

Karen P. Dwyer was concerned about the oil and gas seismic exploration proposal. The project is opposed to everything the Preserve stands for. She was concerned with potential impacts to wetlands, hydrology, limestone, sensitive wildlife species, Preserve visitors, as well as cumulative impacts.

Paul Wylie (Everglades Conservation and Sportsmen's Club) wanted to know the status of the club's request to the committee for a landowner access trail. The committee seemed to recall recommending such a trail, but Mr. DeGross explained that the ORV Plan does not allow ORV access from frontcountry properties to the backcountry. There would, however, be an opportunity to consider such access as part of the Backcountry Access Plan. Mr. Wylie noted that the club had donated half of its land to the NPS and would appreciate getting something in return.

ORVAC Open Discussion. Ms. Clark announced that the 2016 meeting schedule has not yet been decided. A discussion followed concerning possible future agenda items. Items suggested included:

1. Recommendation on definition of secondary trail
2. 10 pm – 5 am curfew, 60-day closure, driver's license requirement, vehicle re-inspections
3. Role of committee in Backcountry Access Plan and future processes
4. Useful role in backcountry process
5. Focus on topics not likely to be later litigated
6. Off-trail camping
7. Fossil fuel extraction related to ORVs

Concerning public comments, Ms. Powell said that Eric Kimmel wanted to remind everyone about his trail work with former superintendent Gustin in the Stairsteps Unit, Mike Elfenbein wanted committee meeting notices posted at the check stations during hunting season, and a first-time female hunter wanted greater access in the Deep Lake Unit.

The meeting adjourned at 8:11 pm.